

**To:** Merritt, Steven[Merritt.Steven@epa.gov]  
**Cc:** Ward, W. Robert[Ward.Robert@epa.gov]; Gleason, Michael[Gleason.Michael@epa.gov]; Feldman, Richard[Feldman.Richard@epa.gov]; Sisson, Ann[Sisson.Ann@epa.gov]; Redden, Kenneth[Redden.Kenneth@epa.gov]; Mitchell, Stacey[Mitchell.Stacey@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]  
**From:** Logan, Paul  
**Sent:** Sun 8/9/2015 10:30:58 PM  
**Subject:** Re: Claims talking points

Sounds good Steve; thanks everyone for your good work!

Sent from my iPhone

On Aug 9, 2015, at 4:16 PM, Merritt, Steven <[Merritt.Steven@epa.gov](mailto:Merritt.Steven@epa.gov)> wrote:

Thanks all for getting this together! You just saved some folks from a lynching down in Durango, CO. They appreciate it and so do I. Enjoy the rest of your Sunday.

We will proceed with the e-mail and let folks know at the public meeting not to submit their claims electronically until Tuesday noon so we can validate it works tomorrow. The ticket has already been submitted to RTP and I will test it out/give access to ORC/OGC folks once it is up. The Public Call Center for the response will have this information as well to give to the public who call in.

Well done all!

Steven B. Merritt, CIH

Industrial Hygienist / Federal On-Scene Coordinator

U.S. Environmental Protection Agency Region 8

1595 Wynkoop ST (8EPR-ER)

Denver, CO 80202-1129

303-312-6146 - Work

303-775-7226 - Mobile

303-312-7203 - Fax

[Merritt.Steven@epa.gov](mailto:Merritt.Steven@epa.gov)

<image001.png>

**From:** Logan, Paul

**Sent:** Sunday, August 09, 2015 4:01 PM

**To:** Merritt, Steven

**Cc:** Ward, W. Robert; Card, Joan; Hestmark, Martin; Stavnes, Sandra; Gleason, Michael; Feldman, Richard; Sisson, Ann; Redden, Kenneth; Mitchell, Stacey; Minoli, Kevin; Garbow, Avi; Smith, Paula; McClain-Vanderpool, Lisa

**Subject:** Claims talking points

Steve,

Needs reformatting, but below is the final version of the talking points, from ORC and OGC. Thanks everyone.

Please forward to others who need these.

Paul

### Claims Talking Points

A process exists for compensating citizens who suffer personal injury or property damage caused by US government actions. The process is available in EPA's regulations at 40 CFR Part 10, and includes guidance on documentation that may be required to support claims for loss of employment and loss of income, among other claims.

Claims for monetary compensation may be filed by submitting a Standard Form 95 specifying the nature of the loss suffered and the EPA actions, if known, causing the loss or damage to property:

Richard Feldman  
Claims Officer

U.S. EPA Office of General Counsel  
1200 Pennsylvania Avenue, NW (MC 2399A)  
Washington, D.C. 20460

EPA Region 8

Office of Regional Counsel  
(MC 8RC)

1595 Wynkoop Street  
Denver, CO 80202

A link to the Standard Form 95 is available at the U.S. Department of Justice website at:<http://www.justice.gov/civil/documents-and-forms-0>

Standard Form 95 is used to present claims against the United States under the Federal Tort Claims Act (FTCA) for property damage, personal injury, or death allegedly caused by a federal employee's negligence or wrongful act or omission occurring within the scope of the employee's federal employment.

Standard Form 95 is not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim. Please note that a completed form must state a claim for money damages in a "sum certain" amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property. In addition, if a sum certain is not specified in Standard Form 95 block 12d, or in accompanying information, a submission cannot be considered a valid presentation of a claim.

Although EPA's regulations state that the EPA has 6 months to resolve a claim, the Agency will make every effort to respond to Gold King Mine spill claims as soon as possible. Claims must be presented to the EPA within two years after the claim accrues.

Sent from my iPhone